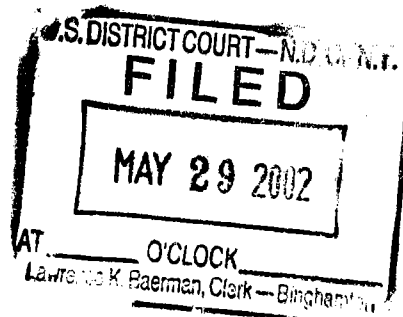


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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
JAMES VAN PATTEN,

Plaintiff,

-AGAINST-

**STIPULATION OF SETTLEMENT,  
DISMISSAL & ORDER**

**3:00-CV-1104 (TMJ/GLS)**

THE CITY OF BINGHAMTON; STEPHEN JENSEN,  
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS DOG COMMISSIONER; BROOME COUNTY;  
VICKI BUGONIAN, IN HER INDIVIDUAL AND  
OFFICIAL CAPACITY AS THE FRONT STREET  
DOG SHELTER MANAGER,

Defendants.  
-----X

**PLEASE TAKE NOTICE** that the parties to the above captioned action hereby agree to a settlement of this matter pursuant to the following terms and conditions:

1. Within 14 days of the entering of the Court's dismissal of this action, defendants City of Binghamton and Stephen Jensen shall mail directly to James Van Patten, 3 Brown Street, Binghamton, New York 13905, a check for \$10,000 representing the full settlement of plaintiff's claims against these defendants in the above captioned action.

2. Within 14 days of the entering of the Court's dismissal of this action, defendants Broome County and Vicki Bugonian shall deliver directly to James Van Patten, 3 Brown Street, Binghamton, New York 13905, a check for \$10,000 representing the full settlement of plaintiff's claims against these defendants in the above captioned action.
3. Plaintiff shall provide the defendants with a general release, which is attached as Exhibit 1.
4. The defendants shall provide plaintiff with a general release, which is attached as Exhibit 2.
5. This agreement shall not constitute an admission by any of the defendants of any illegal or other wrongful conduct and the defendants affirmatively deny the same.
6. All parties have been represented by counsel at all stages in this litigation, and in the negotiation and execution of this Stipulation of Settlement, Dismissal and Order. Each party acts upon the advice of counsel. No party may make any claim at any future time that such party was not aware of, or did not understand the terms or meaning of any provision of this Stipulation of Settlement, Dismissal and Order.
7. Counsel for the City of Binghamton agrees to promptly file this fully executed Stipulation of Settlement, Dismissal and Order with the Court.
8. Each party agrees to bear its own costs, disbursements and attorneys fees.


**PLEASE TAKE FURTHER NOTICE** that pursuant to Rule 41 of the Federal Rules of Civil Procedure, the parties in above captioned action, through their attorneys, hereby agree and stipulate that any and all claims, including costs, disbursements and attorneys fees of the plaintiff, and any and all counterclaims, including costs, disbursements and attorneys fees of the defendants in the above captioned action are hereby dismissed with prejudice.

Dated: May 3, 2002



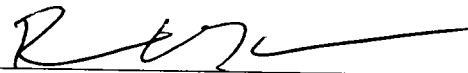
By: Timothy A. Clune, Esq.  
Bar Roll # 103505  
Attorney for Plaintiff  
5 Clinton Square, Third Floor  
Albany, New York 12207

Dated: May 8, 2002



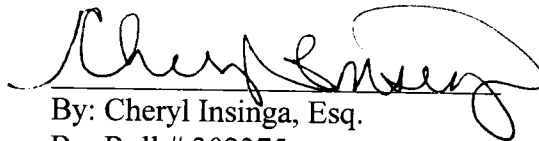
By: Robert G. Behnke, Esq.  
Bar Roll # 101121  
WILLIAM G. GIBSON, JR.  
Broome County Attorney  
Attorneys for Broome County Defendants  
Edwin L. Crawford Building  
P.O. Box 1766  
Binghamton, New York 13902

Dated: May , 2002



By: Richard M. Allen, Esq.  
Bar Roll # 101024  
Attorney for City of Binghamton Defendants  
71 State Street  
Bache-Building Street Level  
Binghamton, New York 13901

Dated: May 13, 2002



By: Cheryl Insinga, Esq.  
Bar Roll # 302375  
GREGORY J. POL AND  
Corporation Counsel  
Attorneys for City of Binghamton Defendants  
City Hall, Government Plaza  
Binghamton, New York 13901

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMES VAN PATTEN,

Plaintiff,

-against-

Index No. 00-CV-1104

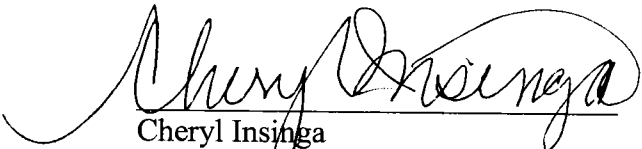
THE CITY OF BINGHAMTON; STEPHEN  
JENSEN, INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY AS DOG COMMISSIONER; BROOME  
COUNTY; VICKI BUGONIAN, IN HER INDIVIDUAL  
AND OFFICIAL CAPACITY AS THE FRONT STREET  
DOG SHELTER MANAGER,

Defendants.

---

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued, on the merits, without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: May 23, 2002




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Cheryl Insinga  
First Assistant Corporation Counsel  
City of Binghamton  
City Hall, 38 Hawley Street  
Binghamton, New York 13901

**IT IS HEREBY ORDERED** that the above captioned matter is hereby dismissed with prejudice.

**SO ORDERED.**

BINGHAMTON, NEW YORK  
MAY 28, 2002

  
HON. THOMAS J. MCAVOY  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
JAMES VAN PATTEN,

Plaintiff,

-against-

**GENERAL RELEASE  
00-CV-1104 (TMJ/GLS)**

THE CITY OF BINGHAMTON; STEPHEN JENSEN,  
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS DOG COMMISSIONER; BROOME COUNTY;  
VICKI BUGONIAN, IN HER INDIVIDUAL AND  
OFFICIAL CAPACITY AS THE FRONT STREET  
DOG SHELTER MANAGER,

Defendants.  
-----X

**TO ALL WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW THAT**

**JAMES VAN PATTEN,**

as RELEASOR,

in consideration of all the terms and conditions contained in the **STIPULATION OF SETTLEMENT, DISMISSAL & ORDER**, in the matter of **JAMES VAN PATTEN V. CITY OF BINGHAMTON et. al., 00-Civ-1104 (TJM/GLS) (N.D.N.Y.)**, hereby releases and discharges

**THE CITY OF BINGHAMTON; STEPHEN JENSEN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS DOG COMMISSIONER; BROOME COUNTY; VICKI BUGONIAN, IN HER INDIVIDUAL AND OFFICIAL CAPACITY AS THE FRONT STREET DOG SHELTER MANAGER,**

as RELEASEE,

the RELEASEE, RELEASEE'S heirs, executors, administrators, successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon or by reason of any matter, cause or thing whatsoever regarding the killing of RELEASOR'S dog Shadow in June 2000 and from any claim contained in the Second Amended Complaint in the above captioned matter.

The words "RELEASOR" and "RELEASEE" include all releasors and all releasees under this RELEASE. This RELEASE may not be changed orally.

exh. 1



**JAMES VAN PATTEN**

STATE OF NEW YORK                    )  
  )SS:  
COUNTY OF BROOME                    )

On the 6 day of May 2002, before me, the undersigned, personally appeared **James Van Patten**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
Notary Public

**MARTHA L. BUSHNELL**  
Notary Public in the State of New York  
Qualified in Broome County No. 4510497  
My Commission Expires September 30, 2005

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
JAMES VAN PATTEN,

Plaintiff,

-against-

**GENERAL RELEASE  
00-CV-1104 (TMJ/GLS)**

THE CITY OF BINGHAMTON; STEPHEN JENSEN,  
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS DOG COMMISSIONER; BROOME COUNTY;  
VICKI BUGONIAN, IN HER INDIVIDUAL AND  
OFFICIAL CAPACITY AS THE FRONT STREET  
DOG SHELTER MANAGER,

Defendants.  
-----X

**TO ALL WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW THAT**

**THE CITY OF BINGHAMTON; STEPHEN JENSEN, INDIVIDUALLY AND IN HIS  
OFFICIAL CAPACITY AS DOG COMMISSIONER; BROOME COUNTY; VICKI  
BUGONIAN, IN HER INDIVIDUAL AND OFFICIAL CAPACITY AS THE FRONT  
STREET DOG SHELTER MANAGER,**

as RELEASOR,

in consideration of all the terms and conditions contained in the **STIPULATION OF  
SETTLEMENT, DISMISSAL & ORDER** in the matter of *JAMES VAN PATTEN V. CITY OF  
BINGHAMTON et. al.*, 00-Civ-1104 (TJM/GLS) (N.D.N.Y.), hereby releases and discharges

**JAMES VAN PATTEN,**

as RELEASEE,

the RELEASEE, RELEASEE'S heirs, executors, administrators, successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon or by reason of any matter, cause or thing whatsoever regarding the killing of RELEASEE'S dog Shadow in June 2000 and from any claims or counterclaims in the Second Amended Complaint or the Answers in the above captioned matter.

The words "RELEASOR" and "RELEASEE" include all releasors and all releasees under this RELEASE. This RELEASE may not be changed orally.

exh. 2





**GREGORY J. POLAND**

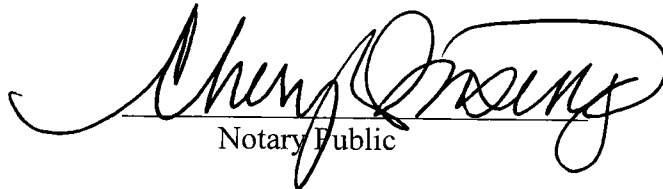
Corporation Counsel, City of Binghamton

STATE OF NEW YORK )

)SS:

COUNTY OF BROOME )

On the 13 day of May 2002, before me, the undersigned, personally appeared **Gregory J. Poland** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.



Notary Public

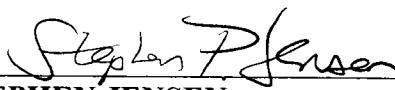
**CHERYL INSINGA**

**Notary Public, State of New York**

**No. 02IN6022087**

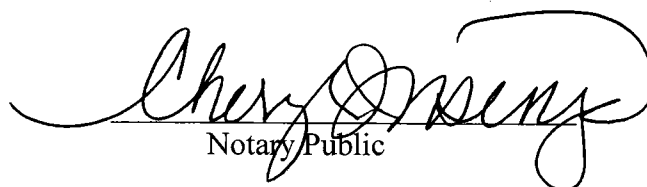
**Qualified in Broome County**

**Commission Expires March 22, 2003**


  
STEPHEN JENSEN

STATE OF NEW YORK                    )  
  )SS:  
COUNTY OF BROOME                    )

On the 13 day of May 2002, before me, the undersigned, personally appeared **Stephen Jensen** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
Notary Public

CHERYL INSINGA  
Notary Public, State of New York  
No. 02IN6022087  
Qualified in Broome County  
Commission Expires March 22, 2003

  
**WILLIAM GIBSON, JR.**  
Broome County Attorney

STATE OF NEW YORK                    )  
  )SS:  
COUNTY OF BROOME                    )

On the 8<sup>th</sup> day of May 2002, before me, the undersigned, personally appeared **William Gibson, Jr.** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

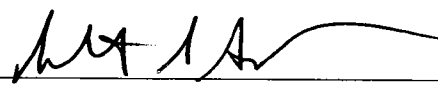
  
\_\_\_\_\_  
Notary Public

ROBERT G. BEHNKE  
Notary Public, State of New York  
No. 4763842  
Residing in Broome County  
My commission expires July 31, 2002

  
VICKI BUGONIAN

STATE OF NEW YORK                    )  
  )SS:  
COUNTY OF BROOME                    )

On the 7<sup>th</sup> day of May 2002, before me, the undersigned, personally appeared **Vicki Bugonian** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
Notary Public

ROBERT G. BEHNKE  
Notary Public, State of New York  
No. 4751342  
Residing in Broome County  
My commission expires Jan. 31, 2002